

REMARKS

Claims 1-16 are pending in the current application. Claims 1-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nishi (US App. 2003/0081192). Claims 9-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishi in view of Hess et. al. (US 6,185,232).

Applicants thank the Examiner for acknowledging the claim to foreign priority and verifying receipt of the certified copy of the priority document.

Applicants also thank the Examiner for considering the Information Disclosure Statement filed September 29, 2003.

Applicant respectfully request that the Examiner acknowledge acceptance of the drawings filed September 29, 2003.

§102(b) rejections

1. *Claims 1-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nishi (US App. 2003/0081192). Applicants respectfully traverse.*

To be an “anticipation” rejection under 35 U.S.C. § 102, the reference must teach every element and limitation of the Applicant’s claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus

the reference must clearly and unequivocally disclose every element and limitation of the claimed invention.

Claim 1 recites a method for stabilizing optical output of a semiconductor laser, one step of which is the heating the semiconductor laser with a heater when the semiconductor laser is not in operation. The Examiner argues that this step is taught by Nishi. Nishi teaches the use of a heater connected to a semiconductor laser to correct errors due to the difference of atmospheric pressures. See Nishi, paragraphs [0061] to [0062]. The heater changes the wavelength by a particular amount depending in which harmonic the laser is operating. Nishi does not specifically teach that the heater is used during the times that the laser is not operating. Since Nishi does not teach that the heater is used during times that the laser is not operating, it also cannot teach the step of performing one of a first operation of stopping heating of a semiconductor laser and a second operation of decreasing an amount of heat supplied to the semiconductor laser, almost simultaneously with startup of the semiconductor laser. Because Nishi fails to teach all of the elements of claim 1, it cannot anticipate claim 1. Claim 1 is patentable.

Claims 2-8 are patentable at least by virtue of their dependency from claim 1. Claim 2 is also patentable because Nishi does not teach that the heating rate of the laser approximately corresponds to a heat-generation rate at which the semiconductor laser generates heat when the laser is in operation.

§103(a) rejections

2. *Claims 9-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishi in view of Hess et. al. (US 6,185,232). Applicants respectfully traverse.*

“To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP §2142. Section 2142 further states that “[t]he initial burden is on the examiner to provide some suggestion of desirability of doing what the inventor has done.”

Claims 9-16 depend from claim 1.. Since Nishi fails to disclose all of the elements of claim 1, and Hess fails to correct the deficiencies as noted above, the combination of the references cannot render the claims obvious. Claims 9-16 are patentable, at least by virtue of their dependency from claim 1

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/671,780

Attorney Docket No. Q77646

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

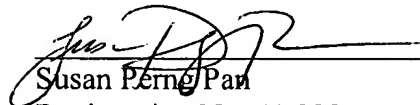
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